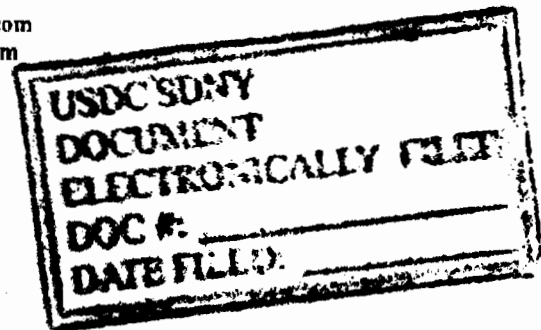


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June 25, 2010

**VIA FACSIMILE**

The Honorable Cathy Seibel  
The Hon. Charles L. Briant, Jr Federal Building and U.S. Courthouse  
300 Quarropas Street  
White Plains, NY 10601-4150  
914-390-4278 (FAX)

**RE: Cleotilde Rock and Tracy Claxton v. Moss Codillis LLP, et al., No. 10 CIV 03106,  
Plaintiff's Preliminary Motion for Class Certification**

Dear Judge Seibel:

I represent the Plaintiffs in the above referenced matter. We write in response to this Court's order of June 22, 2010 and in response to Defendants' letter of June 24, 2010.

Attached hereto is a courtesy copy of the proposed order for class certification which was filed on the Court's electronic filing system pursuant to this Court's request.

However, Plaintiffs are in agreement with Defendants' letter of June 24, 2010. Defendants have agreed not to issue an offer of judgment or otherwise tender relief to the individual Plaintiffs in an effort to moot the case which resolves the concern which prompted Plaintiffs' initial request. Based on this agreement, the Plaintiffs agree that entry of an order granting class certification is not necessary at this time. Plaintiffs' counsel is available at the Court's convenience should the Court wish to discuss this further.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Daniel A. Edelman".

Daniel A. Edelman

cc: Abraham Kleinman, David J. Chizewer, Glen Silverstein

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----X  
CLEOTILDE ROCK and TRACY CLAXTON,  
individually and on behalf of the class and  
subclass defined herein.

Plaintiffs,

v.

MOSS CODILIS, LLP, and AMERICAN  
HOME MORTGAGE SERVICING, INC.,

Defendants.  
-----X

10 CIV 03106 (CS)

**ORDER ON PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

This matter coming before the Court on Plaintiffs' Motion for Class Certification, the Court being fully advised in the premises, **IT IS HEREBY ORDERED:**

1. The Court hereby certifies the following class:

(a) all natural persons with New York addresses (b) to whom defendant Moss Codilis, LLP sent a letter seeking to collect a mortgage loan debt (c) in the form represented by Exhibit A to the Complaint and Memorandum (d) which letter was sent during a period beginning April 13, 2009 and ending May 13, 2010.

2. The Court further appoints Kleinman LLC and Edelman, Combs, Lattuner & Goodwin, LLC as counsel for the class.

3. This Court finds and concludes that all requirements of Rules 23(a) and (b)(3) of the Federal Rules of Civil Procedure have been met. Specifically, the Court finds and concludes that:

a. Having determined that the Class consists of no less than 8,500 individuals, the Class is so numerous that joinder of all members is impracticable.

b. There are questions of law and fact common to the members of the class, which common questions predominate over any questions that affect only individual class members. The common question is whether Defendants' collection letter violated 15 U.S.C. §1692g by failing to identify the creditor.

c. Plaintiffs' claim is typical of the claims of the class members. All are based on the same factual and legal theories.

d. Plaintiffs will fairly and adequately represent the interests of the class members. The law firms of Kleinman, LLC and Edelman, Combs, Lattner, & Goodwin, LLC are qualified to serve as counsel for the Class.

e. A class action is superior to other alternative methods for an efficient adjudication of this dispute.

DATE: \_\_\_\_\_

ENTERED: \_\_\_\_\_  
The Honorable Cathy Seibel